

REMARKS3. and 4. 35 USC Section 112 Rejection

Claims 1-25 and 27-39 were rejected under 35 USC Section 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner requests clarification of what is meant by "less than about 75 parts by weight."

Applicants previously amended the claims (see Response and Amendment dated 10/27/05) to clarify what is meant by "less than about 75 parts by weight." The claims currently read "at least one absorbent particulate present in an amount not more than about 75 parts by weight." Thus, the absorbent particulate is indeed present, and it is present in an amount that is not greater than 75 parts by weight. Although a lower limit is not specified, the absorbent particulate is clearly present and required in the liquid cleaning composition of the present invention. Applicants respectfully submit that, for the sake of further clarity, a lower limit to the amount of absorbent particulate should not be required by the Examiner

Reconsideration and withdrawal of this rejection is earnestly requested.

5. and 6. 35 USC §103 (a) Rejections:

Claims 1-11, 13-16 and 21-38 were rejected under 35 USC §103 (a) as being unpatentable over Trinh et al. (US Patent No. 4,481,126).

The Examiner submits that Trinh discloses (a) a substantially nonabrasive, liquid car cleaner composition which cleans car surfaces without an external source of water to wash or rinse (Abstract); (b) that the product is a composition of up to 30% polymeric solids, up to 95% liquid carrier and a suspension aid (Abstract); (c) that other optional ingredients such as waxes, fluorosurfactants, anticorrosion agents, antistatic agents, suncreening agents, inorganic mild abrasives, pigments, perfumes, and preservatives can also be used for added benefit (col. 2, lines 64-68); (d) that the composition comprises organic polymeric solids selected from the group consisting of porous and/or nonporous powdered particles in the particle size range of from 1 micron

to about 250 microns (col. 2, lines 37 – 42); (e) that mixtures of water and aliphatic hydrocarbon solvents are used as the liquid carrier; and (f) that both surfactants and thickeners are used as the suspending agent.

The Examiner notes that the reference fails to teach the particle size of calcium carbonate used. However, the Examiner submits that the reference teaches mild inorganic abrasives such as calcium carbonate powder (col. 6, lines 28 – 31) and further teaches the particle sizes of other solids that are present. Thus, the Examiner believes there would be a reasonable expectation of success to modify the prior art to arrive at the instantly claimed invention because the prior art suggest a particle size of other solids to be suspended.

The Examiner also notes that the reference fails to teach the specific surfactant of claim 11. However, the Examiner submits that there would be a reasonable expectation of success to modify the prior art to arrive at the instantly claimed invention because the prior art does suggest that any surfactant that is compatible with the system may be used.

The Examiner also notes that the reference fails to teach that the acrylic component disclosed is an acrylic stain resistant agent. However, the Examiner believes that since the reference teaches that acrylic additives may be used, there would be a reasonable expectation of success that material of the same structure will have similar properties.

The Examiner also asserts that while Applicants argue there is no motivation to remove the silicone component from Trinh's cleaning composition, there is no need to omit silicone for the claims to read on the Trinh reference. Both the claims and the reference are drawn to cleaning compositions, and silicone "does not affect cleaning in any deleterious fashion." Thus, the Examiner contends that the recitation of "consisting essentially of" in claim 1 does not amend around compositions containing silicone.

Applicants respectfully disagree with the basis of this rejection and submit affidavit evidence in order to overcome this rejection. Applicants hereby submit a Declaration under 37 CFR Section 1.132 by Michael Metcalf, one of the inventors, dated September 13, 2006, which provides evidence that the addition of silicone (as required by Trinh) is deleterious to the composition taught and claimed by Applicants and is not suitable for cleaning textile substrates. The Declaration also includes Exhibits

A -- D, which are submitted in color and show the differences between the Inventive Composition and the Trinh Composition when applied to textile substrates

Trinh et al. clearly require the presence of silicone and polymeric fibers within its car cleaning composition (see claims and Examples). While the Examiner contends that silicone fails to "materially affect" the properties of the compositions taught by Trinh, Applicants respectfully disagree and note that silicone is a required component in the claims. Furthermore, Trinh include silicone in nearly every example provided in the specification (see DC 200@ Silicones shown in Examples 1-XVI). Additionally, Trinh disclose that the silicone is included to "provide or enhance the gloss/shine appearance of car surfaces, improve the ease of application and removal of the cleaner, and make the car surfaces water repellent for added protection" (col. 6, lines 1-4). Furthermore, silicone is suggested for use at levels up to 20% by weight of the composition (col. 2, lines 61-62). While Trinh et al. may suggest that silicone is an optional ingredient (column 2, line 65 to column 3, line 31), none of the other "optional ingredients" appear to be included in the Examples and claims provided by Trinh et al.

As a result of such teachings by Trinh, Applicants respectfully submit that silicone is a required component of Trinh's composition. The Declaration provides evidence that the cleaning compositions taught by Trinh are not suitable for use as cleaning compositions for textile substrates, as taught and claimed by Applicants. Furthermore, the additional ingredients required in the Trinh composition (e.g. silicone) do indeed have a deleterious affect on the cleaning efficacy of the cleaning composition when used on textile substrates. Thus, Applicants respectfully contend that the Declaration submitted herewith is adequate evidence to over come this rejection.

Additionally, in order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (MPEP § 2143.03). Applicants respectfully submit that Trinh et al. fail to teach or suggest all the limitations of the instant claims. More specifically, Trinh et al. fail to provide a teaching or fair suggestion that a vacuum retrieval additive or an acrylic stain resist agent is present in the car cleaning composition. Trinh et al. mention the use of polyethylene oxide and salts of polyacrylic acid polymer as thickener suspending agents (col. 5, lines 39-44). The purpose of these thickener suspending agents is to stabilize the dispersion and emulsion by increasing the viscosity of the suspending or emulsifying medium (col. 5, lines 35-38). Thus, Applicants respectfully submit that Trinh et al. fail to teach or suggest components of the composition that would aid in removing a cleaning composition from a textile substrate (i.e. a

vacuum retrieval additive) or provide a barrier to stains for a textile substrate (i.e. an acrylic stain resist agent).

In summary, Applicants respectfully contend that one of ordinary skill in the art would not be motivated by the teachings of Trinh et al. to create a liquid cleaning composition that is suitable for use on textile substrates consisting essentially of an absorbent particulate, water and surfactant, a dispersion stabilizing additive, and optionally further comprising a vacuum retrieval additive or an acrylic stain resist agent.

In light of the Declaration submitted herewith and the discussion presented above, Applicants respectfully contend that claims 1-11, 13-16 and 21-38 are not obvious over the teachings of Trinh et al. Reconsideration and withdrawal of this rejection is earnestly requested.

7. Claims 19 and 20 were rejected under 35 USC §103 (a) as being unpatentable over Trinh et al. (US Patent No. 4,481,126) further in view of Froehlich (US Patent No. 3,910,848) or Brown (US Patent No. 5,514,302).

The Examiner submits that the primary reference fails to teach that aerosol may be used with the liquid cleaner of the variety disclosed and that Froehlich reference teaches that a cleaning composition containing urea-formaldehyde polymer particles having a particle size of from 10 to 105 microns and an oil value of at least 90, a halogenated solvent boiling at from 45 degrees to 120 degrees C, a silica antissettling agent, a cationic antistatic agent, and an aerosol propellant selected from at least one of trichlorofluoromethane, dichlorodifluoromethane, 1,2-dichlorotetrafluoroethane, propane, isobutene, and butane. (col. 1, lines 37-60). Brown also teaches the use of propellants such as propane, isopropane, n-butane, isobutane, isopentane or n-hexane. Therefore, the Examiner believes there is a reasonable expectation of success that an aerosol may be used with the composition of the reference as the composition of the secondary reference has similar structural properties, uses and components.

Applicants rely on the discussion presented above and the attached Declaration (which includes Exhibits A – D) as evidence of the impropriety of the Trinh reference. Applicants further contend that the secondary references, Froehlich and Brown, fail to overcome the deficiencies of Trinh et al. by failing to teach a composition consisting of at least one absorbent particulate, water and surfactant, and a dispersion stabilizing additive. Accordingly, since the cited art fails to teach the limitations as

claimed by Applicants in independent claim 1, and since claims 19 and 20 each depend directly or indirectly from this claim, Applicants respectfully submit that a *prima facie* case of obviousness has not been established. Thus, reconsideration and withdrawal of this rejection is earnestly requested.

8. Claims 1-4, 6-15, 17, 18 and 27-38 were rejected under 35 USC §103 (a) as being unpatentable over Suzuki et al. (US Patent No. 4,534,892).

The Examiner contends that Suzuki et al. discloses (a) a liquid detergent composition containing an anionic surface active agent and a water-insoluble fine powder characterized by containing therein a crosslinking type amphoteric polymer and an inorganic salt (Abstract); (b) that several glycols and phosphates may be used and that the foaming properties are improved using a polyacrylic acid and a pH adjuster (col. 3, lines 15 – 25 and col. 1, lines 48 and 54 – 63); (c) that the particle size of the water-insoluble fine powder is less than 150 microns; (d) that nonionic surface active agents, amphoteric surface active agents and cationic surface active agents may be used in combination with the anionic surface active agents; and (e) that the examples show that water makes up the balance of the composition.

The Examiner contends that the reference fails to teach the specific biocides used. However, the reference does teach that germicides may be used; therefore, the Examiner believes that there would be a reasonable expectation that any germicide may be used in the absence of superior or unexpected results.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (MPEP § 2143.03). Applicants respectfully submit that Suzuki et al. fail to teach or suggest all the limitations of the instant claims. More specifically, Suzuki et al. fail to disclose a dispersion stabilizing agent, as disclosed and claimed by Applicants.

The Examiner points to column 1 (lines 48 and 54 – 63) of Suzuki et al. for disclosure of polyacrylic acid, which is one example of a dispersion stabilizing agent of the instant invention. However, this disclosure by Suzuki et al. is actually a discussion of the prior art and refers specifically to Japanese Patent Publication No. 49117/1974 (see Suzuki et al. at col. 1, beginning with line 39). Thus, this citation does not provide evidence that Suzuki et al. teaches a dispersion stabilizing agent. Furthermore, the other citation provided by the Examiner – column 3, lines 15 to 25 – also fails to disclose a teaching by Suzuki et al. of polyacrylic acids and esters. Rather, Suzuki et al. teach using

monovinyl compounds (i.e. "cross linking monomers"), such as acrylic acid esters, which can be polymerized with an amphoteric monomer. Thus, the component that is incorporated into the cleaning composition taught by Suzuki et al. is the resulting polymerization product from the reaction described above. Suzuki et al. state:

Usable as the other vinyl monomers referred to above are monovinyl compounds which are polymerizable in the presence of radical polymerization initiators, and the monovinyl compounds include, for example, acrylic acid esters such as methyl acrylate, ethyl acrylate, etc., methacrylic acid esters such as methyl methacrylate, ethyl methacrylate, etc., ... (col. 3, lines 59-65)

The vinyl monomers referred to above are cross linking type amphoteric polymers (col. 2, line 34 to col. 3, line 10). Suzuki et al. further point out and teach that if the amount of basic to acidic vinyl monomer is not just right, "the resulting cross linking copolymer is not sufficiently compatible with water and the object of the present invention is difficult to be attained" (col. 3, lines 6-10).

Additionally, with regard to water dispersability, Suzuki et al. teach:

If the amount of this cross linking monomer used is excessively small, the resulting copolymer does not have sufficient dispersing ability and, if the amount is excessively large, the resulting copolymer does not dissolve or swell in water, and thus both cases are undesirable for attaining the object of the present invention. (col. 3, lines 32-38)

Thus, the teaching of "acrylic" by Suzuki et al. is related to a vinyl monomer which may be part of a cross linking type amphoteric polymer which has issues with attaining satisfactory dispersability in water.

In contrast, Applicants claim dispersion stabilizing agents selected from the group consisting of air, cellulosic polymers, starches, clay compounds, xanthan gums, polyacrylic acids and esters, polyacrylamide, polyvinyl alcohol and mixtures thereof. Thus, Applicants respectfully submit that the teaching by Suzuki et al. of an acrylic acid ester as a vinyl monomer as part of a cross linking type amphoteric polymer having dispersion issues in water is not the same as a teaching by

Applicants of a polyacrylic acid and/or ester which provides dispersion stabilizing characteristics to the liquid cleaning composition of the instant claims.

Thus, Applicants respectfully maintain the position that Suzuki et al. fail to teach each every limitation of Applicants' claimed invention and therefore, a *prima facie* case of obviousness has not been established. Reconsideration and withdrawal of this rejection is earnestly requested.

Conclusion:

For the reasons set forth above, it is respectfully submitted that all claims now stand in condition for allowance.

Should any issues remain after consideration of these Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

In the event that there are additional fees associated with the submission of these papers, authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

Respectfully requested,

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